09/768,991

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Name: Thomas H. Martin

Phone No.: 330-877-2277

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Subject: Request for Certificate of Correction
U.S. Patent No. 6,972,019
Issued: December 6, 2005
Gary K. Michelson
INTERBODY SPINAL IMPLANT WITH TRAILING END ADAPTED TO RECEIVE BONE SCREWS
Attorney Docket No.: 101.0101-00000
Customer No. 22882

Date: January 4, 2006

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Request for Certificate of Correction with 1 sheet of Form PTO-1050 (in duplicate) and 5 sheets of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on January 4, 2006.

Sandra L. Blackmon

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PATENT
Attorney Docket No. 101.0101-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of:)
Gary K. Michelson) (Serial No.: 09/768,991)
Patent No.: 6,972,019)
Issue Date: December 6, 2005) (Filed: January 23, 2001)
For: INTERBODY SPINAL IMPLANT)
WITH TRAILING END ADAPTED)
TO RECEIVE BONE SCREWS)

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Page 2 of the April 5, 2004 Amendment, showing the correct language of issued claim 1;
2. Page 3 of the April 5, 2004 Amendment, showing the correct language of issued claim 7;
3. Pages 5 and 6 of the April 5, 2004 Amendment, showing the correct language of issued claim 44 (pending claim 30); and
4. Page 18 of the April 5, 2004 Amendment, showing the correct language of issued claim 157 (pending claim 142).

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 4, 2005

By: /Thomas H. Martin/
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 6,972,019
DATED: December 6, 2005
INVENTOR: Gary K. Michelson

It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10, line 49:
Change "said a" to -- said --.

Column 11, line 9:
Change "east" to -- least --.

Column 13, line 16:
Change "east" to -- least --.

Column 20, line 10:
After "for the" insert -- production --.

Mailing Address of Sender:
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PATENT NO. 6,972,019
No. of add'l copies
@ 50¢ per page

FORM PTO 1050 (Rev.2-93)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 6,972,019
DATED: December 6, 2005
INVENTOR: Gary K. Michelson

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FORM PTO 1050 (Rev.2-93)

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A spinal implant for insertion at least in part across at least the height of a disc space between adjacent vertebral bodies of a human spine, said implant comprising:

opposed upper and lower surfaces adapted to be placed toward and in contact with each of the adjacent vertebral bodies, respectively, from within the disc space;

a leading end for insertion into the disc space and between the adjacent vertebral bodies;

a trailing end opposite said leading end, said trailing end having an exterior surface and an outer perimeter with an upper edge and a lower edge adapted to be oriented toward the adjacent vertebral bodies, respectively, said trailing end having a maximum height as measured from said upper edge to said lower edge along the longitudinal axis of the human spine, said maximum height being adapted to fit within the disc space and between the vertebral bodies adjacent to the disc space;

a bone screw having a leading end for placement in the vertebral body and a trailing end opposite said leading end adapted to cooperatively engage said implant so as to prevent further advancement of said bone screw into the ~~bone and to be retained within one of said plurality of bone screw receiving holes of said implant~~; and

a plurality of bone screw receiving holes in said trailing end, at least one of which is adapted to only partially circumferentially surround ~~said~~a trailing end of said bone screw adapted to be received therein, at least one of said bone screw receiving holes passing through said exterior surface and one of said edges so as to permit said trailing end of said bone screw to protrude beyond

said one of said edges of said implant and overlie at least in part one of the adjacent vertebral bodies when said bone screw is inserted into said at least one bone screw receiving hole.

2. (original) The implant of claim 1, wherein said implant is a fusion implant.
3. (previously presented) The implant of claim 1, wherein a plane of said trailing end of said implant is curved.
4. (previously presented) The implant of claim 1, wherein said implant has a height equal to the distance between the adjacent vertebral bodies of a surgically corrected disc space.
5. (previously presented) The implant of claim 1, wherein said outer perimeter of said trailing end of said implant has at least one gap therein for permitting a portion of at least an outer diameter of said bone screw to protrude beyond said outer perimeter of said trailing end, said gap in said bone screw receiving hole dimensioned to be less than the outer diameter of said bone screw.
6. (original) The implant of claim 1, wherein at least one of said bone screw receiving holes passing through said exterior surface and one of said edges is C-shaped in cross section.
7. (previously presented) The implant of claim 1, wherein at least one of said bone screw receiving holes passing through said exterior surface and one of said edges has a partial circumference intersecting with the outer perimeter of said trailing end of said implant.
8. (previously presented) The implant of claim 1, wherein said trailing end of said implant is relieved to allow for a head of said bone screw inserted into one of said bone screw receiving holes to be at least partially recessed.
9. (original) The implant of claim 1, wherein at least two of said plurality of bone screw receiving holes are at different distances from the mid-longitudinal axis of said implant.
10. (previously presented) The implant of claim 1, wherein said trailing end of said implant is generally quadrilateral in shape.
11. (previously presented) The implant of claim 1, wherein at least one pair of said plurality of bone screw receiving holes are adapted to orient bone screws to be received therein

24. (previously presented) The implant of claim 23, wherein said bone growth promoting material is at least one of bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.

25. (original) The implant of claim 1, in combination with a chemical substance to inhibit scar formation.

26. (previously presented) A spinal implant for insertion at least in part across at least the height of a disc space between adjacent vertebral bodies of a human spine, said implant comprising:

opposed upper and lower surfaces adapted to be placed toward and in contact with one each of the adjacent vertebral bodies, respectively, from within the disc space;

a leading end for insertion between the adjacent vertebral bodies; and

a trailing end opposite said leading end, said trailing end having an upper edge and a lower edge, said trailing end having a maximum height as measured from said upper edge to said lower edge along the longitudinal axis of the human spine, said maximum height being adapted to fit within the disc space and between the vertebral bodies adjacent to the disc space, said trailing end being adapted to only partially circumferentially surround the circumference of at least one bone screw adapted to be received therein, said trailing end of said implant being adapted to orient bone screws to be received therein in a divergent relationship to one another and at an angle to a horizontal mid-longitudinal plane of said implant passing through said leading and trailing ends of said implant.

27. (original) The implant of claim 26, wherein said implant is a fusion implant.

28. (original) The implant of claim 26, wherein said trailing end is curved.

29. (previously presented) The implant of claim 26, wherein said implant has a height equal to the distance between the adjacent vertebral bodies of a surgically corrected disc space.

30. (currently amended) The implant of claim 26, wherein at least one of said upper and lower edges of said trailing end has at least one gap therein for permitting a portion of at least an outer diameter of a bone screw to protrude beyond said at least one of said

upper and lower edges of said trailing end and overlie at least in part one of the adjacent vertebral bodies, said gap being dimensioned to be less than the outer diameter of the bone screw.

31. (original) The implant of claim 26, wherein said trailing end is relieved to allow for a head of a bone screw inserted into said trailing end to be at least partially recessed.

Claim 32. (cancelled)

33. (previously presented) The implant of claim 26, wherein said trailing end has a pair of screw receiving holes along said upper edge and a pair of screw receiving holes along said lower edge, one of said pair of bone screw receiving holes being adapted to position bone screws in a convergent relationship to one another.

34. (previously presented) The implant of claim 33, wherein the other of said pair of bone screw receiving holes is adapted to position bone screws in the divergent relationship to one another.

35. (previously presented) The implant of claim 26, further comprising at least one lock for retaining at least one of the bone screws within said implant.

36. (previously presented) The implant of claim 35, wherein said at least one lock retains at least two of the bone screws to said implant.

37. (previously presented) The implant of claim 26, further comprising at least one bone screw having a leading end for placement in the vertebral body and a trailing end opposite said leading end adapted to cooperatively engage said implant so as to prevent further advancement of said at least one bone screw into the bone and to be retained within said trailing end of said implant.

38. (original) The implant of claim 26, wherein said implant comprises one of bone and bone growth promoting material.

39. (previously presented) The implant of claim 38, wherein said bone growth promoting material is at least one of bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.

40. (original) The implant of claim 26, wherein said implant comprises at least one of the following materials: metal, titanium, plastic, and ceramic.

41. (original) The implant of claim 26, wherein said implant has an interior surface

substance includes hydroxyapatite.

137. (previously presented) The implant of claim 134, wherein said fusion promoting substance is genes coding for the production of bone.

138. (previously presented) The implant of claim 134, wherein said fusion promoting substance is bone.

139. (previously presented) The implant of claim 81, further in combination with a fusion promoting substance.

140. (previously presented) The implant of claim 139, wherein said fusion promoting substance is bone morphogenetic protein.

141. (previously presented) The implant of claim 139, wherein said fusion promoting substance includes hydroxyapatite.

142. (previously presented) The implant of claim 139, wherein said fusion promoting substance is genes coding for the production of bone.

143. (previously presented) The implant of claim 139, wherein said fusion promoting substance is bone.

144. (previously presented) The implant of claim 100, further in combination with a fusion promoting substance.

145. (previously presented) The implant of claim 144, wherein said fusion promoting substance is bone morphogenetic protein.

146. (previously presented) The implant of claim 144, wherein said fusion promoting substance includes hydroxyapatite.

147. (previously presented) The implant of claim 144, wherein said fusion promoting substance is genes coding for the production of bone.

148. (previously presented) The implant of claim 144, wherein said fusion promoting substance is bone.

149. (previously presented) The implant of claim 1, wherein at least one of said bone screw receiving holes passes through said upper edge and at least one of said bone screw receiving holes passes through said lower edge of said trailing end.

150. (previously presented) The implant of claim 26, further comprising a plurality of bone screw receiving holes, at least one of said bone screw receiving holes